

1994 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. BARRETT of Nebraska] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

*To the Congress of the United States:*

I transmit herewith the 1994 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 3, 1995.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 716) to amend the Fishermen's Protective Act.

The Clerk read as follows:

H.R. 716

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) Section 3(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973(a)) is amended by inserting after "prompt release of the vessel and crew," the following: "or when a fee regarded by the United States as being inconsistent with international law must be paid for a vessel of the United States to transit the waters of a foreign nation on a voyage between points in the United States (including a point in the exclusive economic zone or an area whose jurisdiction is in dispute)."

(b)(1) Section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975) is amended by inserting after "seizure;" in the title, the following: "or imposition of a fee regarded by the United States as inconsistent with international law".

(2) Section 5(a)(1)(A) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975(a)) is amended by inserting after "as a result of the seizure of," the following: "or imposition of a fee regarded by the United States as inconsistent with international law on".

(c) Subsections (a) and (b) shall take effect on June 15, 1995.

(d) Section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) is amended—

(1) in subsection (c)—

(A) by striking the third sentence, and

(B) by inserting after the first sentence the following: "Fees may be collected regardless of whether needed to carry out the purposes of subsection (a)."; and

(2) in subsection (e) by striking "October 1, 1993" and inserting "October 1, 1998".

SEC. 2. CLEARANCE AND ENTRY OF COMMERCIAL FISHING VESSELS.

(a) Not later than 15 days after the date of enactment of this Act and at least once each year thereafter, the Secretary of State shall publish a list of those nations that impose fees for transit passage through their waters on commercial fishing vessels registered under the laws of the United States.

(b) Not later than 15 days after the publication of the list required under subsection (a), the Secretary of the Treasury shall withhold from commercial fishing vessels registered under the laws of a nation listed under subsection (a) the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) for entry into the navigable waters of the United States west of 122 degrees west longitude.

(c) Subsection (b) shall not apply to a commercial fishing vessel—

(1) that enters the navigable waters of the United States pursuant to a bilateral convention governing fishing for Pacific halibut or albacore tuna;

(2) that enters the navigable waters of the United States due to an emergency; or

(3) the master of which obtains clearance from the Secretary of the Treasury's designee by physically appearing before the designee at a designated port of entry and paying a fee equal to the fee charged to a commercial fishing vessel of the United States by the nation under whose laws the foreign vessel is registered.

(d) The owner or master of a vessel which enters the navigable waters of the United States in violation of this section shall be in violation of section 307(l)(A) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(l)(A)).

SEC. 3. TECHNICAL CORRECTION.

(a) Section 15(a) of Public Law 103-238 is amended by striking "April 1, 1995," and inserting "May 1, 1994."

(b) The amendment made by subsection (a) shall be effective on and after April 30, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise in strong support of H.R. 716, to reauthorize and improve the Fishermen's Protective Act. Originally enacted in 1967, this law established a system of economic safeguards for U.S. fishermen against illegal or unjustified seizure by a foreign government. One of these safeguards is the Fishermen's Guaranty Fund—which is a voluntary self-insurance program administered by the

State Department. The fund compensates fishermen for vessels and catch confiscated by a foreign nation under claims of jurisdiction not recognized by the United States.

The amount of money each vessel owner pays into the program is based on the gross tonnage of the vessel. For example, during the history of the program the fees have ranged from \$16 to \$30 per vessel ton with participation ranging from 8 to 30 vessels, depending on the year. Disbursements or claims paid out from the fund have averaged less than \$1 million each year. The largest claim occurred in 1984 for \$5.5 million for a vessel that had been seized and ransacked off the Solomon Islands.

In 1986, a Federal court in the Brenda Jolene versus United States case decided that fees collected under the act must equal the amount Congress appropriates. Since historically, the President has not requested an appropriation, the State Department has been unable to collect additional fees. While there is approximately \$2.9 million in the fund, there is a large settlement case pending from the seizure of four tuna boats off the coast of Costa Rica in 1992, and any further claims would deplete the assets of the fund.

The passage of this legislation is sorely needed due to unfair and illegal actions by the Canadian Government. Last year, the Canadian Government charged U.S. fishermen \$1,100 each to access the Inside Passage. The Canadians stopped the charge, but not before many U.S. fishermen were subjected to it to the amount of \$285,000. We must amend the Fishermen's Protective Act so these American fishermen can be compensated for the unfair charge.

During this crisis last year, the former Merchant Marine and Fisheries Committee was quick to act. Similar legislation was adopted by the committee and passed the House as part of a larger bill on October 7, 1994.

Mr. Speaker, I urge all of my colleagues to support this legislation and thank the chairman of the full committee, DON YOUNG, for introducing this bill, and the ranking minority member on the Fisheries, Wildlife and Oceans Subcommittee, GERRY STUDDS, for his support of this legislation.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, I rise in strong support of H.R. 716. The Fishermen's Protective Act of 1967 provides a mechanism for assisting U.S. fishermen by reimbursing them for fines and other costs incurred when their vessels are seized by a foreign nation, in violation of international law.